

# **EXHIBIT 6**



I. Individuals Likely to Have Discoverable Information That Plaintiff May Use to Support Claims.

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i), Plaintiff discloses the following individuals likely to have discoverable information that may be used to support Plaintiff's claims. Plaintiff reserves the right to amend or supplement these disclosures, including as provided by Fed. R. Civ. P. 26(e). The following disclosures do not include persons whose testimony is likely to be used solely for impeachment, rebuttal, or expert witness testimony, who will be disclosed in accordance with the schedule set by the Court.

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Knowledge regarding the date, time, and place of capture of the photograph in question; details on the copyright registration of the photograph in question; knowledge of a license fee and sale prices for the photograph in question.

II. Description of Documents and Things in Plaintiff's Possession, Custody, or Control That May Be Used to Support Claims.

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), Plaintiff discloses the following documents and things in its possession, custody, or control that it may use to support its claims. Plaintiff reserves the right to amend or supplement these disclosures, including as provided by Fed. R. Civ. P. 26(e). The following disclosures do not include documents and things that are likely to be offered solely for impeachment:

1. Documents regarding the copyright registration application to and Certificate of Registration issued by the United States Copyright Office concerning the photograph in question.
2. Original digital file for photograph in question, as well as other photographs taken immediately before and after the capture of the photograph in question.

3. Metadata pertaining to the photograph in question, including make and model of camera used to capture the photograph in question.
4. Documents regarding a license fee and fine art sales for the photograph of Plaintiff in question.
5. Screen captures of the photograph in question on various URLs where a portion of the content was provided by Defendants to the operators of those URLs.
6. Copies of emails between Counsel and Defendant.
7. Defendant's Motion to Dismiss filed October 24, 2017. [ECF No. 5].
8. Defendant's Memorandum in Support of Motion to Dismiss filed October 24, 2017. [ECF No. 6].
9. Defendant's Reply in Support of Motion to Dismiss filed November 3, 2017. [ECF No. 7].
10. Defendant's Answer filed December 21, 2017. [ECF No. 20].

### III. Computation of Damages Claimed by Plaintiff

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii), Plaintiff discloses that he is entitled to recover damages in the form of actual damages, statutory damages, attorneys' fees, costs, and interest based on Plaintiff's claims. Plaintiff anticipates that damages calculations will depend upon expert analyses and testimony to be developed and disclosed according to the schedule set by the Federal Rules of Civil Procedure and the Court.

Plaintiff expects to base his calculation of actual damages on the following:

- A. One previous license to the photograph in question for \$1,250.00 (attached).
- B. fotoQuote software ([www.cradocfotosoftware.com/fotoquote](http://www.cradocfotosoftware.com/fotoquote)), based on the following data: Website, Promotional, Worldwide Market, One Year, Half Screen. Using the listed data, fotoQuote produced a license range between \$873.00 - \$1,746.00.

Plaintiff expects to base his calculation of statutory damages per 17 U.S.C. § 1202-3 on the following:

- A. Defendant's refusal to immediately remove the infringing photograph from the website, [www.novafilfest.com](http://www.novafilfest.com), following Plaintiff's initial February 7, 2017 letter and email identifying the details of the infringement.
- B. Defendant's demonstrated history of appropriating the copyrighted work of others, including multiple examples on the URL of the infringement at issue in this case, [www.novafilmfest.com/plan-your-visit1](http://www.novafilmfest.com/plan-your-visit1).
- C. Defendant's demonstrated history of cropping or otherwise omitting the copyright management information of others, including multiple examples on the URL of the infringement at issue in this case, [www.novafilmfest.com/plan-your-visit1](http://www.novafilmfest.com/plan-your-visit1).

#### IV. Reservation of Rights

Plaintiff reserves the right to amend or supplement these disclosures as provided by Fed. R. Civ. P. 26(e) and to object to the admissibility of any document or statement herein or in Defendant's initial disclosures on all bases set forth in the Federal Rules of Civil Procedure, Federal Rules of Evidence, and governing law.

Dated: March 12, 2018

/s/ David C. Deal  
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*Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the March 12, 2018, copies of the foregoing Plaintiff's Rule 26(a)(1) Initial Disclosures were delivered by USPS First Class Mail and email to the following:

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